

U. S. FISH AND WILDLIFE SERVICE

ENVIRONMENTAL ACTION STATEMENT FOR CATEGORICAL EXCLUSION

Mosquito Lagoon - Proposed Pole/Troll Zones

March 2005

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the following proposed action is categorically excluded from NEPA documentation requirements consistent with 40 CFR §1508.4; 516 DM 2 Appendix 1, 1.10; 516 DM 6 Appendix 1, 1.4(B)(7); and 516 DM 6 Appendix 1, 1.4(C)(3).

Proposed Action and Alternatives.

Responding to public, intergovernmental, and internal scoping, the US Fish and Wildlife Service (Service) proposes to establish two special zones in Mosquito Lagoon where the use of internal combustion engines is prohibited (except in posted channels). Within these zones, boaters will be required to shut off their outboard motors and switch to a non motorized power source such as drifting or using push poles or paddles. Electric trolling motors will be allowed. These zones will be known as Pole & Troll Zones.

The purpose of the action is three fold. First, the Refuge is developing an adaptive approach to sustain and improve the quality of flats fishing for sports fishermen in selected portions of the Lagoon. Second, the Refuge is developing an adaptive approach to reduce habitat impacts (e.g. prop scarring) to the submerged aquatic plants and soft bottom of Mosquito Lagoon. The shallow water flats are productive areas for many species of lagoon fish, waterfowl, wading birds and other water birds. Requiring boaters to pole or troll within the zones will help reduce impacts to fish and wildlife, and seagrasses and will help improve the quality of the flats fishing experience. Third, the Refuge will evaluate the first two actions, determine if they are achieving their stated objectives, and make modifications as necessary.

Advances in boat hull designs over the last ten years have allowed fishermen access to many shallow waters that were formerly inaccessible. The new flats boats have the ability to run at high speeds (greater than 40 mph) through waters that are less than one foot in depth. With the new boat hull technology comes new issues for resource managers such as impacts to seagrasses, disturbance to wildlife that are dependent upon the shallow waters flats and conflicts between user groups competing for time and space on the flats. To compound the issue, over this same period, fishing pressure in Mosquito Lagoon has nearly tripled. Continued population growth, will put increasing pressure on Mosquito Lagoon's aquatic systems. The pole and troll zone was conceived

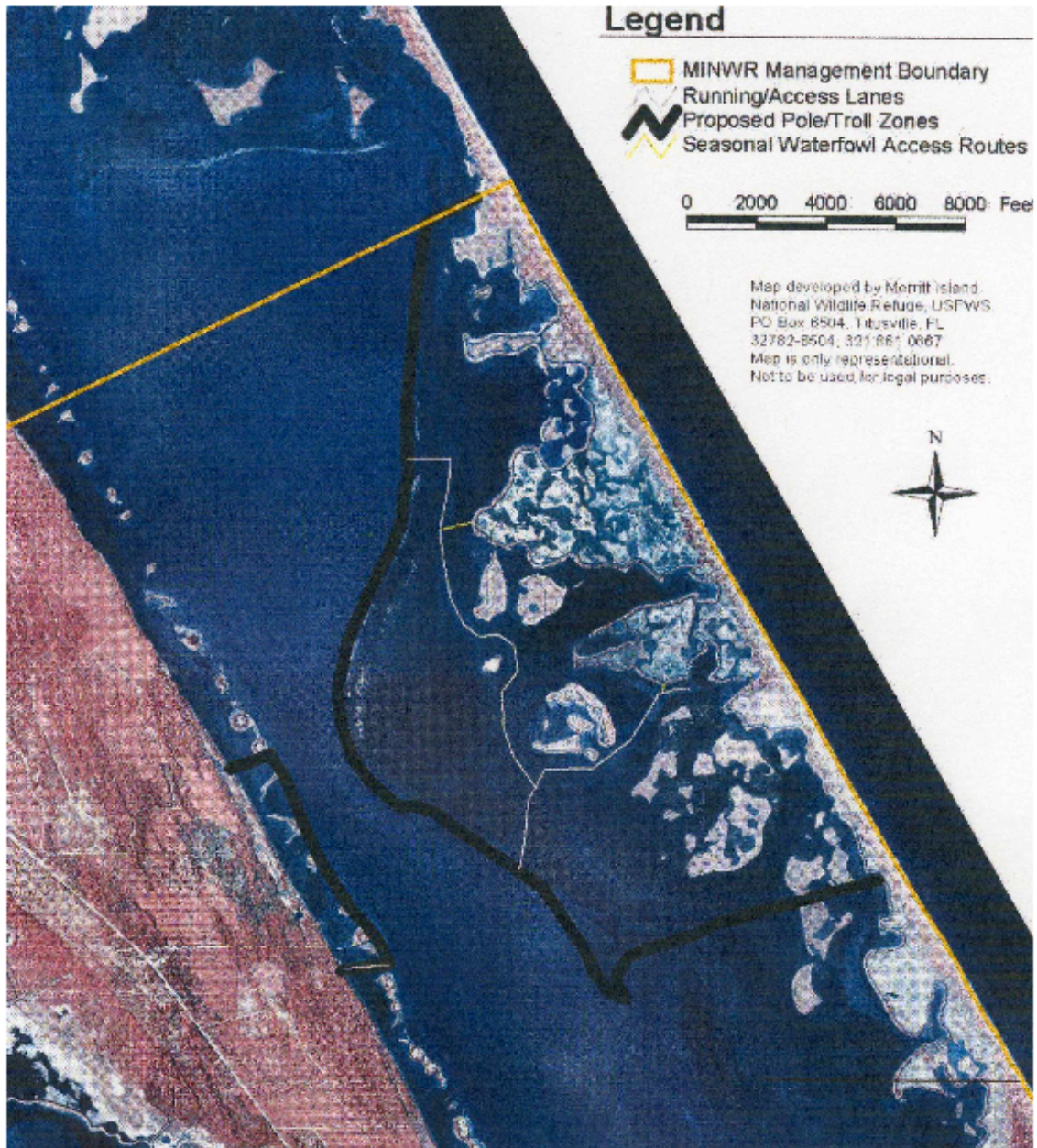
to help stem the tide of such changes and assist managers in addressing this new paradigm. These factors have lead to the proposed changes.

Running the flats in search of schools of redfish is a technique that some fishermen use to improve their chances of spotting redfish. Not only does this fishing technique create prop scars through the submerged aquatic vegetation (SAV), it disturbs other fishermen who are on the flats. To reduce impacts to the grass beds and improve the quality of fishing, the Service will establish two pole & troll zones in Mosquito Lagoon. Over time the Service will evaluate these zones to determine if the quality of fishing has improved and if the amount of prop scarring is reduced. Modifications to the design may be made to achieve the desired objectives. If positive results are achieved, the approach may be used in other shallow water flats of the Refuge.

The waters surrounding the Refuge are some of the most productive in the world for trophy-size redfish. Unlike other areas, redfish in the northern Indian River Lagoon and Mosquito Lagoon apparently do not leave once they reach breeding age/size. Instead of joining the offshore brood stock, these fish live out their lives in the lagoon waters. Sports fishermen have discovered the abundance of trophy-sized red fish and numerous line class records have been established in Refuge waters. A cottage industry of bait and tackle shops, flats boats dealers and fishing guides has grown up in the area to capitalize on the presence of trophy-sized fish and the increasing interest in flats fishing. Based on input the Refuge has received from public meetings, widespread support exists for establishing pole and troll zones amongst fishermen, the ecotourism industry, other stakeholders, and other natural resource agencies.

Several other alternatives were explored but dismissed. One included establishing several no fishing zones in selected areas of the Lagoon where prop scarring and high fishing density occurred. This alternative would have provided good protection to fish stocks and had the most positive results in reducing prop scarring, but was dismissed due to lack of public support and the need for intensive law enforcement to enforce the closure. The Service felt public acceptance of the action is critical if it is to prove successful. The Service also considered establishing a flats fishing quota permit system to control fishermen density. This alternative was dismissed because of the added administrative cost and intensive law enforcement required to implement it. Yet another alternative was establishing a Pole & Troll Zone in most shallow water flats of Mosquito Lagoon. This alternative had widespread public support, but it was dismissed since the Pole & Troll Zone concept had not yet been tested and the Service wanted to insure the desired objectives of improving the quality of the fishing and reducing the level of prop scarring were met before implementing the concept over a wider area.

The preferred alternative is to establish two smaller Pole & Troll Zone totaling about 3143 acres of Mosquito Lagoon's 21,000 acres, where the most intense fishing pressure and most severe prop scarring occurred. If this technique proves successful, it could be expanded to other Lagoon flats at a later date.



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Figure 1

Two Pole & Troll Zones will be established near the northern end of the Refuge in an area known as Tiger Shoals and west of the Intracoastal Waterway behind the spoil islands near WSEG Boat Ramp (see Figure 1). Aerial surveys conducted in 2002, indicated that fishing pressure is highest on the flats in and around Tiger Shoals. This same area also shows the highest concentration of prop scarring in Mosquito Lagoon. During the first year, the zones will be voluntary to allow a transition period to educate fishermen of the purposes and intent of the action and to give the Service time to evaluate the zones, develop educational materials and establish regulations. A year after the zones are established, the Pole & Troll Zones will become permanent.

The two zones are delineated in Figure 1 and cover about 2949 acres on Tiger Shoals and 194 acres west of the Intracoastal Waterway north of WSEG Boat Ramp. The boundary of the zones will be identified with signs and buoys. To comply with the Pole/Troll Zone requirements, vessels entering the zones will shut off internal combustion engines and revert to a non-motorized power source. Electric trolling motors will be allowed. Running lanes will be established where there is water of sufficient depth to prevent prop scarring. Boats may operate under power within the running lanes. The running lane channels will provide ingress and egress into and through the zones and will be marked with green and red day markers that meet US Coast Guard standards. Boat hulls that draft more than one foot at rest will not be permitted within the boundary of the Pole & Troll Zones.

Categorical Exclusion(s).

The first phase of this action, while it is voluntary, is a categorical exclusion pursuant to 516 DM 2 Appendix 1, 1.10: "Activities which are educational, informational, advisory, or consultative to other agencies, public and private entities, visitors, individuals, or the general public". The first phase of the project is voluntary and involves the education of users, the provision of information and maps, and the continued coordination with local governmental partners (e.g., Canaveral National Seashore, National Park Service).

This action is a categorical exclusion pursuant to 516 DM 6 Appendix 1, 1.4(B)(7): "Minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures". The action continues to allow compatible fishing activities and represents only minor changes to the methods of access to the two targeted areas which represent less than 15% of Mosquito Lagoon within the Refuge, by requiring users to pole or use an electric trolling motor while in these two zones.

This action is a categorical exclusion pursuant to 516 DM 6 Appendix 1, 1.4(C)(3), "The issuance of special regulations for public use of Service-managed land, which maintain essentially the permitted level of use and do not continue a level of use that has resulted in adverse environmental effects". The action continues to allow compatible

fishing activities to occur in Mosquito Lagoon and limits adverse environmental impacts from these fishing activities.

This action does not trigger an exception under 516 DM 2, Appendix 2.

Permits/Approvals.

Permit applications have been submitted to the State of Florida Department of Environmental Regulations and Fish & Wildlife Conservation Commission, as well as U.S. Army Corps of Engineers, and the U. S. Coast Guard. Permit application will address regulatory review for private aids to navigation, boater safety, state marker and sign consistency; the Endangered Species Act; and the Clean Water Act. Federal agency coordination (Fish and Wildlife Coordination Act) through the US Army Corps of Engineers for a federal action will provide notice of intent and solicit comments from the U. S. Environmental Protection Agency, the National Marine Fisheries Service, and the U. S. Fish and Wildlife Service. Additional permit application notice and coordination will be made as appropriate.

Public Involvement/Interagency Coordination

Information regarding this action and public scoping was provided on the Refuge's website: <http://merrittisland.fws.gov>, at the Refuge's Visitor Information Center, in local newspaper articles, a statewide fishing magazine, at public scoping meetings, and at local businesses (e.g., The Fly Fisherman, Mosquito Lagoon Outfitters and other fishing shops). Further, a notice was mailed out in April 2004 to more than 1,000 individuals, businesses, organizations, tribal representatives, and governmental partners regarding future management of Mosquito Lagoon by the Refuge. Comments were submitted in person, through email, and at public scoping meetings.

Two public scoping meetings were advertised in two local newspapers: Florida Today, and Daytona Beach News-Journal and several articles appeared in Florida Today, Daytona Beach News-Journal, and the Orlando Sentinel. These public scoping meetings were also posted on the Refuge's web pages and at the Refuge's Visitor Information Center. The first public scoping meeting was held on April 29, 2004 from 5:30 pm to 8:30 pm at the North Brevard Public Library in Titusville, Florida. A second public scoping meeting was held on May 12, 2004 from 5:30 pm to 7:30 pm at the New Smyrna Beach Public Library in New Smyrna Beach, Florida. Approximately 65 individuals attended the Titusville meeting, while 25 attended the meeting in New Smyrna Beach. Both meetings included a presentation and breakout groups where participants had the opportunity to submit comments and draw specific recommendations on maps of the area.

Following the initial public scoping several individuals and groups offered additional input on specific details of the plan, such as where and how the boundary of the zone

should be posted, the location and placement of the posted channels, how the channels should be posted and other details. Subsequent public meetings were held with interested members of the public to help refine the pole and troll zones and the associated access channels: November 8, 2004 at the North Brevard Public Library in Titusville, Florida from 6:00 to 7:30 pm and November 22, 2004 at the New Smyrna Beach Public Library in New Smyrna Beach, Florida from 6:00 to 8:00 pm. Attendance at each these meetings ranged from 6 at the Titusville meeting to 32 at New Smyrna Beach meeting. Notices of these meetings were posted on the Refuge's web pages, at the Refuge's Visitor Center, and in several local fishing shops.

To provide notification of the development of a Categorical Exclusion for this action, the Service posted a notice on the Refuge's webpage, at the Refuge's Visitor Center and in the local newspapers: Florida Today and Daytona Beach News Journal.

Interagency Coordination

The intergovernmental partners were notified through email of the upcoming scoping meetings. The intergovernmental partners have been highly involved in the ongoing Comprehensive Conservation Plan (CCP) currently underway for the Refuge and have provided comments throughout the planning process for the CCP. Representatives from the Florida Fish and Wildlife Conservation Commission (including one of the agency's Commissioners), St. Johns River Water Management District (representing the National Estuary Program), and Volusia County attended the public scoping meetings specific to Mosquito Lagoon and this action.

Comments

Generally and by a vast majority, the participants at the public scoping meetings and the written comments received not only supported the idea of developing pole and troll zones for an estimated 3143-acre area around Tiger Shoals and around the WSEG boat ramp and the nearby spoil islands, but also supported extending these zones to further protect the flats and increase the quality of the public use experience on Mosquito Lagoon. Participants drew potential zone boundaries and access channels on the maps provided at the meetings. Refuge staff used the comments and maps to help develop this action.

Supporting Documents. Supporting documents for this determination include relevant office file material and the following key references:

Merritt Island NWR, Public Scoping, Mosquito Lagoon, 4.29.2004 & 5.12.2004, PowerPoint Presentation
Merritt Island NWR, Public Scoping, Mosquito Lagoon, 4.29.2004, Public Scoping Meeting

Merritt Island NWR, Public Scoping, Mosquito Lagoon, 4.29.2004, Flip Chart, Values
 Merritt Island NWR, Public Scoping, Mosquito Lagoon, 4.29.2004, Flip Charts & Maps,
 Groups 1 & 2
 Merritt Island NWR, Public Scoping, Mosquito Lagoon, 4.29.2004, Flip Charts & Maps,
 Groups 3 & 4
 Merritt Island NWR, Public Scoping, Mosquito Lagoon, 5.12.2004, Public Scoping
 Meeting
 Merritt Island NWR, Public Scoping, Mosquito Lagoon, 5.12.2004, Flip Charts & Maps,
 Values & Group 1
 Merritt Island NWR, Public Scoping, Mosquito Lagoon, 5.12.2004, Flip Charts & Maps,
 Groups 2 & 3
 Mosquito Lagoon Future Management, General Correspondence
 Mosquito Lagoon Future Management, Articles
 Mosquito Lagoon Future Management, Local Ads
 Mosquito Lagoon Future Management, Outreach Materials
 Mosquito Lagoon Future Management, Public Scoping Meetings, 11.8.2004 &
 11.22.2004, PowerPoint Presentation
 Mosquito Lagoon Future Management, Public Scoping, 11.8.2004
 Mosquito Lagoon Future Management, Public Scoping, 11.22.2004
 Merritt Island NWR, Public Scoping Comments, Mosquito Lagoon, Summary of all
 Comments
 Merritt Island NWR, Public Scoping Comments, Mosquito Lagoon, Written Comments
 Merritt Island NWR Aerial Survey from 2002 to collect boat location and other data in
 Mosquito Lagoon and upper Indian River Lagoon
 Merritt Island NWR Creel Survey from 2002 to collect boat ramp fishing data
 Merritt Island NWR Public Use Review from 2002
 Merritt Island NWR Unpublished Recommendations from Fishery Biologist on Mosquito
 Lagoon management strategies from 2003

(Project Leader)

(Date)